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10/801,973

03/15/2004

Bryan A. Scott

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03/09/2007

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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

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|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/801,973 | Applicant(s)<br>SCOTT, BRYAN A. |  |
|                              | Examiner<br>Bobbak Safaipoor  | Art Unit<br>2618                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/15/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 14** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 17-19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Patsiokas (US Patent #6,810,233 B2)**.

Consider **claim 17**, Patsiokas disclose a method comprising:

detecting a satellite signal at an apparatus (col. 2, lines 5-13; an RF-coupled satellite broadcast receiver that scans a RF band);

automatically tuning the signal (col. 2, lines 5-13; a radio receiver can be tuned for signal reception);

decoding the tuned signal to a satellite data-element (figure 8, col. 5 line 66 to col. 6 line 21);

the data-element comprising an audio signal element (abstract, col. 2, line 62 to col. 3 line 7); and

dispatching the satellite data-element via a transmitter logic (col. 2, line 62 to col. 3 line 7 and col. 7, lines 4 to 30).

Consider **claim 18**, and as applied to **claim 17 above**, Patsiokas disclose receiving a tuning command from a handheld computing device. (abstract, figures 1, 7, and 8)

Consider **claim 19**, and as applied to **claim 17 above**, Patsiokas disclose verifying that the receiver is registered with a satellite radio service. (col. 5, lines 37 to 65)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4, 7-8, 10, and 12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himmel et al (US Patent Application Publication #2003//0033452 A1)** in view of **Takeuchi (US Patent Application Publication #2002/0067352 A1)**.

Consider **claim 1**, Himmel et al disclose an apparatus (figure 7, paragraph 48; wireless peripheral device), comprising: a satellite receiver (figure 7 reference number 172); the satellite receiver adapted to receive a satellite signal (paragraph 49; reading incoming wireless transmissions enter a receiver); a decoder (figure 7); the decoder coupled to the satellite receiver (figure 7); the satellite data-element comprising an audio signal element (paragraph 43; read as an optional audio transducer is connected to the bus by the audio controller); a handheld compatible bus interface; and the handheld compatible bus interface coupled to the decoder

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(paragraph 48; read as the bus interface controller/decoder directs information to either the multiplexer, serializer, or buffer.).

Himmel et al fail to disclose that the decoder adapted to convert a satellite signal into a satellite data-element.

In related art, Takeuchi disclose a portable telephone wherein an analog signal being inputted, the decoder carries out an A/D conversion and converts the audio signal into digital data. (paragraph 77)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Takeuchi into the system of Himmel et al so that the voice encoding process enables the audio data to be written on the memory card.

Consider **claim 10**, Himmel et al disclose an apparatus (figure 7, paragraph 48; wireless peripheral device), comprising: a satellite receiver (figure 7 reference number 172); the satellite receiver adapted to receive a satellite signal (paragraph 49; reading incoming wireless transmissions enter a receiver); a decoder (figure 7; paragraphs 48-51); the decoder coupled to the satellite receiver (figure 7; paragraphs 48-51); a handheld compatible bus interface; the handheld compatible bus interface coupled to the decoder (paragraph 48; read as the bus interface controller/decoder directs information to either the multiplexer, serializer, or buffer; transmitter logic (paragraph 48; The serializer sends information to the transmitter driver which then goes out as a wireless transmission such as radio frequency or infrared light.); and transmitter logic coupled to the decoder (figure 7, paragraphs 48-51)

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Himmel et al fail to disclose that the decoder adapted to convert a satellite signal into a satellite data-element.

In related art, Takeuchi disclose a portable telephone wherein an analog signal being inputted, the decoder carries out an A/D conversion and converts the audio signal into digital data. (paragraph 77)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Takeuchi into the system of Himmel et al so that the voice encoding process enables the audio data to be written on the memory card.

Consider **claim 15**, Himmel et al disclose a software system, comprising: a front-end logic system (figure 7, paragraphs 48-51); the front end logic system adapted to receive a satellite based radio signal (paragraph 49; reading incoming wireless transmissions enter a receiver); a decoder logic system (paragraphs 48-51); and the decoder logic system also adapted to transfer the data-element to a handheld computer software system (paragraphs 48-51; The bus interface controller/decoder directs information to either the multiplexer, serializer, or buffer; transmitter logic.).

Himmel et al fail to disclose the decoder logic system adapted to convert a satellite radio based signal into a satellite radio data-element.

In related art, Takeuchi disclose a portable telephone wherein an analog signal being inputted, the decoder carries out an A/D conversion and converts the audio signal into digital data. (paragraph 77)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Takeuchi into the system of Himmel et al so that the voice encoding process enables the audio data to be written on the memory card.

Consider **claim 2**, and **as applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein the apparatus is embodied as a handheld computing device sub-component, and the apparatus is integrated into a handheld computing device. (Himmel et al: figure 7, paragraphs 48-51)

Consider **claim 3**, and **as applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein the apparatus is communicatively coupled to a handheld computing device. (Himmel et al: figure 7, paragraphs 48-51)

Consider **claim 4**, and **as applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein transmitter logic coupled to the decoder. (Himmel et al: paragraph 48; The serializer sends information to the transmitter driver which then goes out as a wireless transmission such as radio frequency or infrared light.)

Consider **claim 7**, and **as applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein transmitter logic coupled to the decoder, the transmitter logic adapted to transmit a data element. (Himmel et al: paragraphs 48-51)



Consider **claim 8**, and **as applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein memory coupled to the decoder, the memory storing a satellite radio handheld computer accessory algorithm. (Himmel et al: figure 2, paragraph 35)

Consider **claim 12**, and **as applied to claim 10 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein memory coupled to the decoder, the memory storing a satellite radio handheld computer accessory algorithm. (Himmel et al: figure 2, paragraph 35)

Consider **claim 13**, and **as applied to claim 10 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention wherein the satellite data-element comprises an audio signal element. (Himmel et al: paragraph 43; read as an optional audio transducer is connected to the bus by the audio controller)

Consider **claim 14**, and **as applied to claim 10 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention except for wherein the satellite data-element comprises code. Nonetheless, the Examiner takes Official Notice that satellite data-element comprise code are well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate satellite data-element comprise code as known in the art for the purpose of having a functional personal digital assistant or similar device.

Consider **claim 16**, and as **applied to claim 15 above**, Himmel et al, as modified by Takeuchi, disclose a transmission logic system wherein the software system is adapted to transmit the satellite radio data-element. (Himmel et al: paragraphs 48-52)

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Himmel et al (US Patent Application Publication #2003//0033452 A1)** in view of **Takeuchi (US Patent Application Publication #2002/0067352 A1)** and in further view of **Cameron et al (US Patent #7,032,164 B2)**.

Consider **claim 5**, and as **applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention except for wherein the satellite radio receiver and decoder are integrated into a single chip.

In related art, Cameron et al disclose a single chip digital receiver supporting the decoder. (col. 12, lines 29-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Takeuchi and Himmel et al into the system of Cameron et al to have a single chip which makes the apparatus smaller and more compact and also improves the design efficiency for a simpler board layout.

**Claims 6, 9, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himmel et al (US Patent Application Publication #2003//0033452 A1)** in view of **Takeuchi (US Patent Application Publication #2002/0067352 A1)** and in further view of **Patsiokas (US Patent #6,810,233 B2)**.

Consider **claim 6**, and as **applied to claim 1 above**, Himmel et al, as modified by Takeuchi, disclose the claimed invention except for wherein transmitter logic coupled to the decoder, the transmitter logic adapted to transmit FM radio.

In related art, Patsiokas disclose an apparatus and method for transmitting audio signals from a satellite broadcast receiver to a local receiver using a wireless link. A conventional FM tuner is provided with a circuit to transmit FM signals. The FM frequency bands are then broadcast from a transmitter in the vehicle on several fixed frequencies on the radio receiver. (col. 7, line 63 to col. 8, line 70)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Patsiokas into the teachings of Himmel et al and Takeuchi to provide a multi functional receiver that has playback of audio signals from a several auxiliary audio sources wherein the user can user can select one of the frequencies on the vehicle radio receiver to listen to the transmitted signals

Consider **claim 9**, and as applied to **claim 1 above**, Himmel et al, as modified by Takeuchi and Patsiokas, disclose the claimed invention wherein the satellite receiver is a satellite radio receiver. (Patsiokas: abstract)

Consider **claim 11**, and as applied to **claim 10 above**, Himmel et al, as modified by Takeuchi and Patsiokas, disclose the claimed invention wherein the FM transmitter logic is adapted to broadcast a satellite data-element to an FM receiver. (Patsiokas: col. 7, line 63 to col. 8, line 70)

**Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Patsiokas (US Patent #6,810,233 B2)** in view of **Himmel et al (US Patent Application Publication #2003//0033452 A1)**.

Consider **claim 20**, and as applied to **claim 17 above**, Patsiokas disclose a satellite receiver (abstract, figures 1, 7 and 8); the satellite receiver adapted to receive a satellite signal (col. 2, lines 5-13); a decoder coupled to the satellite receiver (col. 2, lines 5-13; col. 7, lines 4-30); the decoder adapted to convert a satellite signal into a satellite data-element (col. 2, line 62 to col. 3 line 7); and the satellite data-element comprising an audio signal element (abstract, col. 2, line 62 to col. 3 line 7).

Patsiokas fails to disclose a handheld compatible bus interface and the handheld compatible bus interface coupled to the decoder.

In related art, Himmel et al disclose a handheld compatible bus interface and that the handheld compatible bus interface coupled to the decoder. (paragraphs 43-51, figures 5-7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Himmel et al into the teachings of Patsiokas to be able to wireless communicate between two compatible devices.

### *Conclusion*

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

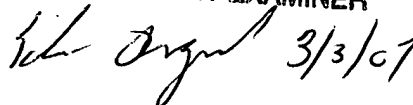
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



*Bobbak Safaipoor*  
B.S./bs

March 3, 2007

EDAN ORGAD  
PRIMARY PATENT EXAMINER



3/3/07